

ESTTA Tracking number: **ESTTA703378**

Filing date: **10/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222744
Party	Defendant Sand Hill UX Inc.
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Submission	Motion to Amend Application
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Signature	/Goldy H. Saroay/
Date	10/20/2015
Attachments	Motion to Amend FINAL.pdf(3268965 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

<b>SANDHILLS PUBLISHING COMPANY, INC.,</b>  <b>Opposer,</b>  <b>Vs.</b>  <b>SAND HILL UX, INC.,</b>  <b>Applicant.</b>	<b>Proceeding No. 91222744</b>  <b>Mark: SANDHILL UX</b>  <b>Serial No. 86486142</b>  <b>Published: June 9, 2015</b>
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**APPLICANT’S MOTION ON CONSENT TO AMEND THE APPLICATION**

Applicant hereby moves to amend application Serial No. 86486142 pursuant to section 2.133 of the Trademark Rules of Practice. Applicant requests to amend the application by submitting a new drawing of the mark. Applicant hereby declares that the new drawing does not materially alter the character of the mark pursuant to 1609.02(a) of the Trademark Manual of Examining Procedure.

Specifically, Applicant requests to divide the term “Sandhill” into the terms “Sand” and “Hill”, so that the drawing of the mark reads:

SAND HILL UX

Applicant respectfully submits that this amendment does not require republication as the amended mark contains the essence of the original mark, creates the impression of essentially the same mark, and is not a material alteration.<sup>1</sup>

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<sup>1</sup> Applicant respectfully submits that the prosecution history of its mark shows that its application was originally filed as SAND HILL UX but was changed by an Examiner’s Amendment on April 10, 2015.

Applicant also moves pursuant to 37. C.F.R. § 2.35(b)(3) and Trademark Trial and Appeal Board Manual of Procedure § 514 to amend the filing basis of its Application Serial Number 86324118 for the design mark containing the literal elements SAND HILL UX to a substitute §1(b) basis.

Applicant is submitting herewith a verified statement that the applicant has had a bona fide intention to use the mark in commerce on or in connection with the services in the application since the application filing date pursuant to 15. U.S.C. 1051(b)(3)(B).

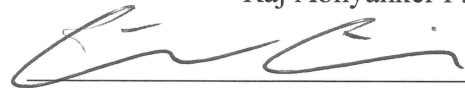
Applicant has secured the consent of opposer SANDHILLS PUBLISHING COMPANY, INC. for the aforementioned amendments to Application Serial No. 86486142.

Wherefore, Applicant requests that the Board grant its motion to amend the drawing of the mark in Application Serial No. 86486142 to SAND HILL UX and to substitute a §1(b) filing basis.

Dated: October 17, 2015

Respectfully Submitted,

Raj Abhyanker P.C.



Christopher Civil

Goldy Saroay

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TRADEMARK TRIAL AND APPEAL BOARD**

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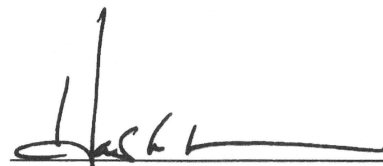
**DECLARATION UNDER 37 C.F.R. §2.34(a)(2) IN SUPPORT OF MOTION TO AMEND  
APPLICATION FILING BASIS**

I, Hans Guntren, hereby declare:

1. I am CEO for SAND HILL UX, INC., the owner of Applicant Serial 86486142 for the mark SAND HILL UX filed in the United States Patent and Trademark Office on December 14, 2014.

2. SAND HILL UX, INC. has a bona fide intention to use the mark in commerce in connection with the services in the application since the filing date.

I declare under penalty of perjury that the above facts are true to the best of my knowledge. Executed: 10/19, 2015.

  
Hans Guntren

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of APPLICANT'S CONSENTED MOTION TO AMEND is being served by mailing a copy thereof, by first class USPS addressed to the following individuals, identified in the Notice of Opposition as the attorneys of record and correspondents on this 20<sup>th</sup> day of October, 2015:

TROY S KIRK  
REMBOLT LUDTKE LLP  
3 LANDMARK CENTRE  
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and a courtesy copy via email to:

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